

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

IN RE:	§	CASE NO. 10-13046-HCM
	§	
GEORGE CLAUDIO RITACCO,	§	
	§	
DEBTOR(S).	§	CHAPTER 7 PROCEEDING

TRUSTEE'S OBJECTION TO EXEMPTION (WITH 21-DAY LANGUAGE)

**THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.**

**IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.**

**A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.**

NOW COMES RANDOLPH N. OSHEROW, Chapter 7 Trustee ("Trustee") of the bankruptcy estate of GEORGE CLAUDIO RITACCO, Debtor(s) in the above-numbered and styled case, and files his Objection to Exemption. The Trustee would show the Court as follows:

1. On October 28, 2010 a voluntary petition was filed initiating this case under Chapter 7 of the Bankruptcy Code. On October 28, 2010 Randolph N. Osherow was appointed Chapter 7 Trustee of Debtors' bankruptcy estate and continues to act in that capacity.

2. Debtor(s) listed the real property on his Schedule A described as his homestead and commonly known as 501 Whitewater Drive, Bertram, Texas 78605, and listed it on Schedule C as such.

3. On December 10, 2010 a Proof of Claim was filed by Seyed Mohsen Hashemi in the amount of \$304,035.87 wherein he claims that he has invested that sum into the property that Debtor claims as his homestead and commonly known as 501 Whitewater Drive, Bertram, Texas 78605, should not be permitted as exempt property.

4. The Trustee submits the real property described as Debtor's homestead and commonly known as 501 Whitewater Drive, Bertram, Texas 78605, is in fact owned by Equitable and/or legal title by a business joint venture between Hashemi and Ritacco and business joint ventures are not entitled to a homestead exemption; therefore, this property may not be permitted as Debtor's exempt property.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays the Court issue an Order granting Trustee's Objection to Exemption denying his homestead commonly known as 501 Whitewater Drive, Bertram, Texas 78605 as exempt as set forth above.

Respectfully submitted this 6<sup>th</sup> day of January 2011.

/s/ Randolph N. Osherow

RANDOLPH N. OSHEROW, Chapter 7 Trustee

Texas State Bar No. 15335500

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San Antonio, Texas 78212

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CERTIFICATE OF MAILING

The undersigned hereby certifies that a true and correct copy of TRUSTEE'S OBJECTION TO EXEMPTION was served by U.S. first class mail, postage prepaid upon the following parties in interest this 6<sup>th</sup> day of January 2011:

George Claudio Ritacco  
501 White Water Drive  
Bertram, TX 78605  
**Debtor(s) Pro Se**

U.S. Trustee  
903 San Jacinto #230  
Austin, Texas 78701

Seyed Mohsen Hashemi  
5900 Tributary Ridge Dr.  
Austin, TX 78759

SEE ATTACHED MATRIX FOR LIST OF ALL INTERESTED PARTIES NOTICED.

/s/ Randolph N. Osherow  
RANDOLPH N. OSHEROW, Chapter 7 Trustee  
Texas State Bar No. 15335500  
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San Antonio, Texas 78212  
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(210) 737-6312 - Telefax  
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Alamo Credit Recovery  
1004 20th St Ste 200  
Hondo, TX 78861-2418

Austin Telco FCU  
8929 Shoal Creek B  
Austin, TX 78757-6819

Bank of America  
PO Box 1598  
Norfolk, VA 23501-1598

CAP One  
PO Box 85520  
Richmond, VA 23285-5520

Clawson Disposal  
301 CR 307  
Jarrell, TX 76537

Credit Management  
4200 International Pkwy  
Carrollton, TX 75007-1912

Credit Protection Assoc  
13355 Noel Rd Ste 2100  
Dallas, TX 75240-6837

DSRM NT Bank  
PO Box 631  
112 W. 8th  
Amarillo, TX 79101-2399

FWCL Corp of America  
12515 Research Blvd S-10  
Austin, TX 78759-2228

GEMB/Sams Club  
PO Box 981400  
El Paso, TX 79998-1400

HSBC Bank  
PO Box 5253  
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PO Box 740281  
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